



California Regional Water Quality Control Board

Los Angeles Region

Recipient of the 2001 *Environmental Leadership Award* from Keep California Beautiful

Linda S. Adams
Agency Secretary

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Arnold Schwarzenegger
Governor



April 24, 2009

Mr. Morton M. Gerson
535 Ocean Avenue, #4-B
Santa Monica, CA 90402

VIA FACSIMILE AND MAIL

NOTICE OF VIOLATION – MORTON GERSON PROPERTY AT 23730 MALIBU ROAD, MALIBU (WDR ORDER NO. 97-10-DWQ (SERIES NO. 003), CI-8542, FILE NO. 02-088)

Dear Mr. Gerson:

The California Regional Water Quality Control Board, Los Angeles Region (Regional Board), is the public agency with primary responsibility for the protection of ground and surface water quality for all beneficial uses within major portions of Los Angeles and Ventura Counties, including the property referenced above.

You are subject to Order No. 97-10-DWQ, in which the Regional Board specifies waste discharge requirements for discharges from your septic system. Under Monitoring and Reporting Program CI-8542, which is part of Order No. 97-10-DWQ, you are required to self monitor your discharge and to submit monitoring reports at regular intervals.

You are hereby notified that you are in violation of waste discharge requirements specified in Board Order No. 97-10-DWQ, as follows:

- **Failure to Submit Monitoring Reports:**

The Regional Board has not received the following monitoring reports summarized in Table 1 below:

Monitoring Period	Report Due
Annual 2004	4/15/2005
Annual 2005	4/15/2006
Annual 2006	4/15/2007
2 nd Quarter 2007	7/15/2007
Annual 2007	4/15/2008

- **Failure to Submit Monitoring Reports on time:**

The Regional Board did not receive the following monitoring reports on time summarized in Table 2 below:

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Monitoring Period	Report Due	Receive Date	Days Late
2 nd Quarter 2003	7/15/2003	8/13/2003	29
3 rd Quarter 2003	10/15/2003	11/17/2003	33
4 th Quarter 2003	1/15/2004	2/10/2004	26
Annual 2003	4/15/2004	4/26/2004	11
1 st Quarter 2004	4/15/2004	4/26/2004	11
2 nd Quarter 2004	7/15/2004	10/8/2004	85
4 th Quarter 2004	1/15/2005	2/28/2005	44
1 st Quarter 2005	4/15/2005	4/26/2005	11
2 nd Quarter 2005	7/15/2005	9/28/2005	75
4 th Quarter 2005	1/15/2006	7/11/2006	177
1 st Quarter 2006	4/15/2006	7/11/2006	87
3 rd Quarter 2006	10/15/2006	12/7/2006	53
1 st Quarter 2007	4/15/2007	5/7/2007	22
3 rd Quarter 2007	10/15/2007	10/19/2007	4
4 th Quarter 2007	1/15/2008	4/7/2008	83
2 nd Quarter 2008	8/22/2008	7/15/2008	38

• **Violations of Effluent Reporting:**

You have provided incorrect daily average wastewater flow values calculated from the units per day and the value of 1 unit = 748 gallons as shown on the bills for the property provided in the quarterly reports. These violations are identified in Table 3 below:

Reported Date	Violation Type	Constituent	Reported Value	Units per day	Correct Value	Units
4 th Quarter 2004	Effluent	Waste Water Flow	209.44	0.23	172.04	GPD*
1 st Quarter 2005	Effluent	Waste Water Flow	190	0.58	433.84	GPD*

*GPD – Gallons per Day

You are required to comply immediately with the following:

1. Immediately submit all missing monitoring reports required by Monitoring and Reporting Program, CI-8542 (see Table 1 above).
2. In the future, submit your monitoring reports by the due dates listed in Monitoring and Reporting Program, CI-8542.
3. Immediately implement corrective and preventative actions to bring your discharge into full compliance with Order No. 97-10-DWQ.

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4. Submit by **May 25, 2009**, a report detailing the corrective and preventive actions taken to come into fill compliance with Board Order No. 97-10-DWQ.


Pursuant to California Water Code §13350 (e), you are subject to penalties of up to \$5,000 for each day in which each violation occurs or \$10 for each gallon of waste discharged, but not both. These civil liabilities may be assessed by the Regional Board for failure to comply, beginning with the date that the violations first occurred, and without further warning.

The Regional Board may request that the Attorney General seek judicial civil liabilities or injunctive relief pursuant to CWC §§13262, 13264, 13304, 13331, 13340 and 13386.

Furthermore, the Regional Board may also request that the United States Attorney, appropriate County District Attorney, or City Attorney seek criminal prosecution. A superior court may be requested to impose civil or criminal penalties.

If you have any questions please call Project Manager, Ms. Elizabeth Erickson, at (213) 620-2264 or Unit Chief of Groundwater Permitting, Dr. Rebecca Chou, at (213) 620-6156 regarding this matter.

Sincerely,



Tracy J. Egoscue
Executive Officer

Enclosure

cc: Mr. Craig George, City of Malibu
Mr. Craig George, Division Manager of Building Safety, City of Malibu
Mr. Chi Diep, CA Dept. of Public Health Drinking Water Program
Mr. David Pedersen, Department of Public Works, Los Angeles County

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